In the High Court of Uttaranchal, at

Nainital.

W. P. No. 815 of 2006 (SS)

Sushil Kumar S/o Bansi Lal,
R/o Village Chowali Wild Life Road,
P.O. Mohabbewala District Dehradun.... Petitioner.

Versus

1- State of Uttaranchal, through
Principal Secretary,
Avas Vikas Vibhag, Uttaranchal
Shashan, District Dehradun.

2- District Magistrate, District Haridwar.
3- Prescribed Authority, Regulated Area
Roorkee, District Haridwar. .... Respondents.

Sri Sharad Sharma, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Standing Counsel for the Respondents.

Hon'ble B.C. Kanpal, J.

Dated: 23-06-2006.

This writ petition has been preferred against the order to transfer dated 13-06-2006 passed by the respondent No. 1. The petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the aforesaid order, which is contained in Annexure No. 1 to the writ petition.

2- The main contention of the petitioner is that he was transferred from Head Office to Regulated Area, Roorkee vide order dated 3rd of August, 2004 and after a lapse of one year and ten months he has again been transferred. The another ground of challenge of the petitioner is that the transfer has been made against the polices as formulated by the State. The third ground of challenge is

that the transfer order suffer from malafides because he has been shifted on the request of some one else. It has further been contended that the children of the petitioner are studying in difference colleges at Roorkee and in case if he is transferred at this point of time then the study of his children will suffer.

3- Having considered the arguments advanced by the learned counsel for the petitioner, I am of the view that the transfer of an official working in the Government Department is necessary exigency. However by no stretch of imagination I come to the conclusion that the impugned transfer order suffers from any sort of malafides.

4- I do not find any good ground to entertain the writ petition. The petitioner could not show any sufficient ground for interesting in the impugned transfer order dated 13-6-2006 passed by the respondent No. 1.

5- Accordingly, the writ petition is dismissed in limine.

6- The learned counsel for the petitioner has submitted that the representation of the petitioner is still before the respondent No. 1. However, in case if the representation of the petitioner is already pending before the authority concerned and the petitioner files the certified copy of this order before the respondent No. 1 prior to 30-06-2006, the respondent No. 1 shall decide the representation of the petitioner before the expiry of 30-06-2006.

(B.C. Kandpal, J.)

ISB